

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

LEAGUE OF UNITED LATIN AMERICAN CITIZENS - )	)	
RICHMOND REGION COUNCIL 4614, ELIUD )	)	
BONILLA, LUCIANIA FREEMAN, ABBY JO )	)	
GEARHART, and JEANNE ROSEN, )	)	
	)	
Plaintiffs, )	)	
	)	
v. )	)	Case No. 1:18cv423 (LO/IDD)
	)	
PUBLIC INTEREST LEGAL FOUNDATION )	)	
and J. CHRISTIAN ADAMS , )	)	
	)	
Defendants. )	)	

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**DEFENDANTS' MOTION TO DISMISS**

Defendants, Public Interest Legal Foundation (“PILF”) and J. Christian Adams (“Mr. Adams”) (collectively, “Defendants”), by counsel and pursuant to Fed. R. Civ. P. 12(b)(6), hereby move this Court to dismiss Plaintiffs’ Complaint in its entirety. For reasons set forth more fully in the accompanying Memorandum of Law in Support of Defendants’ Rule 12(b)(6) Motion to Dismiss, dismissal is proper because Plaintiffs’ allegations fail to state any plausible claims upon which relief may be granted.

As a threshold matter, League of Latin American Citizens – Richmond Region Council 4614 (“LULAC – Richmond”) lacks standing as organizational plaintiff to assert the claimed violations of the Voting Rights Act and “Ku Klux Klan Act” alleged in the Complaint. LULAC - Richmond has not demonstrated that Defendants caused it to suffer an “injury in fact” that can be redressed by a favorable decision, a necessary requirement to establish standing as an organizational plaintiff. On the basis of standing alone, LULAC – Richmond’s claims should be dismissed.

On the merits, the claims of all Plaintiffs are subject to dismissal as a matter of law. The Voting Rights Act does not afford a right of action against non-government parties. Even if it did, mere publication of the Reports does not rise to the level of “voter intimidation” prohibited by Section 11(b) of the Voting Rights Act.

As for Plaintiffs’ alleged violations of the “Ku Klux Klan Act,” 42 U.S.C. § 1985(3) is applicable only to government conduct. Even if it applied to alleged private conspiracies, Section 1985(3) requires allegations of animus directed toward certain protected classes that do not include Plaintiffs.

Finally, the individual Plaintiffs’ defamation claim fail to state any cognizable claim for state common law defamation. The publications at issue do not even name the individual Plaintiffs, much less defame them.

For these several independent reasons, this case should be dismissed in its entirety. This Motion to Dismiss is supported by the accompanying Memorandum in Support of Defendants’ Rule 12(b)(6) Motion to Dismiss.

Dated: May 29, 2018

Respectfully submitted,

PUBLIC INTEREST LEGAL FOUNDATION  
and J. CHRISTAN ADAMS

By /s/ Michael J. Lockerby  
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